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SENATE MEMORIAL 11

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Dede Feldman

A MEMORIAL

REQUESTING THAT THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE ON HEALTH CARE PROVIDER GENERAL LIABILITY INSURANCE TO STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE ON THE BEST MEANS OF OFFERING FINANCIAL SUPPORT TO HEALTH CARE PROVIDERS TO OFFSET GENERAL LIABILITY INSURANCE PREMIUMS.

WHEREAS, rising general liability insurance premium rates for health care providers continue to present a crisis in health care delivery for all types of providers; and

WHEREAS, the negative impact of high-cost general liability insurance premiums is spread among all health care providers, public and private; urban and rural; those practicing in institutions and those with independent practices; and

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1           WHEREAS, the national governors association reports that  
2 the issue of decreasingly affordable general liability  
3 insurance premiums threatens to affect the supply of  
4 affordable, accessible health care, especially within high-risk  
5 medical specialties and in medically underserved communities;  
6 and

7           WHEREAS, the New Mexico health policy commission has  
8 designated thirty-two of New Mexico's thirty-three counties as  
9 health professional shortage areas; and

10          WHEREAS, New Mexico cannot afford to allow rising general  
11 liability insurance premiums to cause further attrition of  
12 health care providers in the state; and

13          WHEREAS, states such as Nevada and West Virginia have  
14 established state-based medical malpractice insurance funds in  
15 order to fill gaps in the medical malpractice liability  
16 insurance market; and

17          WHEREAS, the state of New Jersey has taken measures to  
18 address the problem of rising medical malpractice liability  
19 insurance premiums by establishing programs, funded by means of  
20 medical, dental and legal licensing fees and unemployment  
21 compensation surcharges assessed upon employers, to provide  
22 direct financial relief towards the payment of medical  
23 malpractice liability insurance premiums to certain health care  
24 providers; and

25          WHEREAS, states such as Arizona, Hawaii, Illinois, Maine,

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1 Nevada, New York, North Carolina, Texas and Washington have  
2 also established subsidies, paid for through annual surcharges  
3 assessed against providers, that pay all or a portion of  
4 providers' medical malpractice insurance premiums; and

5 WHEREAS, the state of Oregon recently established a  
6 professional liability fund to pay provider malpractice  
7 damages;

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
9 OF NEW MEXICO that the department of health be requested to  
10 convene a task force on health care provider general liability  
11 insurance, in conjunction with the New Mexico medical society,  
12 the insurance division of the public regulation commission, the  
13 attorney general, the New Mexico health policy commission and  
14 the New Mexico nurses association, to study the most fitting  
15 levels and means through which the state might best provide  
16 financial support to health care providers facing high general  
17 liability insurance premiums, including through subsidies, tax  
18 credits or other mechanisms; and

19 BE IT FURTHER RESOLVED that the task force study means of  
20 targeting financial support to health care providers facing  
21 high general liability insurance premiums by specialty group,  
22 geographic location or other characteristic; and

23 BE IT FURTHER RESOLVED that the task force report its  
24 findings to the legislative health and human services committee  
25 by September 1, 2008; and

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